tion and fines as against theft. Thus the sinner Is reminded that his action has excluded him from the community and from Its moral advantages, since the community treats him as an inferior, a weaker brother, an outsider. For this reason punishment is not merely retaliation, but has something more, something of the cruelty of the state of nature, and of this It would serve as a reminder.

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WHETHER THE ADHERENTS OF THE DOCTRINE OF FREE WILL HAVE A RIGHT TO PUNISH ?—Men whose vocation It Is to judge and punish try to establish in every case whether an evil-doer Is really responsible for his act, whether he was able to apply his reasoning powers, whether he acted with motives and not unconsciously or under constraint If he Is punished, it is because he preferred the worse to the better motives, which he must consequently have known. Where this knowledge is wanting, man is, according to the prevailing view, not responsible— unless his ignorance, *e.g.* his *ignorantia legis'^t* the consequence of an Intentional neglect to learn what he ought: in that case he already preferred the worse to the better motives at the time when he refused to learn, and must now pay the penalty of his unwise choice. If, on the other hand, perhaps through stupidity or shortsightedness, he has never seen the better motives, he is generally not punished, for people say that he made a wrong choice, he acted like a brute beast. The intentional rejection of the better reason is now needed before we